

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

TRINA J. BOWEN,	)	
	)	
Plaintiff,	)	CIVIL ACTION
	)	NO. _____
v.	)	
	)	
NATIONWIDE MUTUAL	)	
INSURANCE COMPANY,	)	
	)	
	)	
Defendant.	)	

**NOTICE OF REMOVAL**

Defendant Nationwide Mutual Insurance Company (“Nationwide”), by and through its undersigned counsel, hereby gives notice, pursuant to 28 U.S.C. §§ 1441 and 1446, of the removal of the above-captioned action from the Court of Common Pleas of Dauphin County, Pennsylvania to the United States District Court for the Middle District of Pennsylvania. In support hereof, Nationwide states the following:

1. On or about September 11, 2018, Plaintiff Trina Bowen (“Plaintiff”) filed a civil action against Nationwide in the Court of Common Pleas of Dauphin County, Pennsylvania, at 2018-CV-6078-CV by way of filing a Praecipe for Writ of Summons. A true and correct copy of the Praecipe is attached as Exhibit 1.

2. After the parties engaged in pre-complaint discovery, Plaintiff filed a Complaint in the Court of Common Pleas of Dauphin County on December 5, 2018. A true and correct copy of the Complaint is attached hereto as Exhibit 2.

3. Nationwide received the Complaint on December 10, 2018.

4. Removal is appropriate in this case based on federal question jurisdiction. This Court has original jurisdiction pursuant to 28 U.S.C. § 1331 in that Plaintiff's Complaint asserts claims arising under the federal Employment Retirement Income Security Act of 1974 ("ERISA"), 29 U.S.C. § 1001, *et seq.* See 28 U.S.C. § 1331. For this reason, this case is one that may be removed to this Court by Nationwide, pursuant to 28 U.S.C. §§ 1441 and 1446.

5. This notice has been filed within thirty (30) days of December 10, 2018, when Plaintiff received the Complaint. See 28 U.S.C. 1446 (b).

6. This Court is the district court of the United States for the district and division embracing the place where this action is currently pending.

7. True and correct copies of this Notice of Removal with accompanying exhibits and Notice of Removal directed to the State Court are being served upon Plaintiff's counsel and filed with the Clerk of the Court of Common Pleas of Dauphin County, Pennsylvania, in accordance with the provisions of 28. U.S.C. § 1446(d).

WHEREFORE, Defendant Nationwide Mutual Insurance Company respectfully requests that the instant action, currently pending in the Court of Common Pleas of Dauphin County, Pennsylvania, at 2018-CV-6078-CV, be removed to this Court, that this Court accept jurisdiction, and that this action be henceforth placed on the docket of this Court for all further proceedings as though the same action had been originally instituted and commenced in this Court.

Respectfully submitted,

/s/ Kimberly J. Gost  
Kimberly J. Gost, Esquire  
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*Attorney for Defendant Nationwide  
Mutual Insurance Company*

Dated: January 4, 2019

**CERTIFICATE OF SERVICE**

I hereby certify that on this 4th day of January, 2019, a true and correct copy of the foregoing Notice of Removal was served via email and first-class U.S. mail, postage prepaid, upon the following counsel of record:

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By: /s/ Kimberly J. Gost